

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

ARBITRATION PETITION NO.337 OF 2006

Smt.Hema Satishpal Agarwal.

...Petitioner.

vs.

1. Anjana Harishchander Agarwal & others.

...Respondents.

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Mr.M.M.Vashi, for Petitioner.

Mr.S.A.Bhalwal i/b. M/s.Vyas & Bhalwal, for Respondent nos.1 & 2.

Ms.Rina Pujara, for Respondent nos.3 & 4.

**CORAM: D.K.DESHMUKH,J.**

**DATED: 18<sup>th</sup> September,2006.**

**P.C.:-**

1. Heard the learned Counsel appearing for parties. There is no dispute that the petitioner is a partner of the firm. She claims that she has dissolved the firm. It was urged that the partners of the firm are not given notice of dissolution. Therefore, the dissolution is not proper. It was also claimed that all the persons who are the partners of the firm have not been joined as parties. Perusal of the documents produced on record by the

petitioner as well as respondents, however, prima facie shows that all the persons who are partners of the firm have been joined as partners. What is significant is that though it is claimed that the business of the firm is going on, none of the persons are claiming that they are presently running the business of the firm. As it prima facie appears that the firm has been dissolved, there is no alternative but to appoint Receiver.

2. The petition is granted in terms of prayer clause (b). The Receiver is directed to appoint his agent to conduct the business of the firm after inviting bids from the partners. The petition is disposed of.

3. By consent of parties, Hon'ble Mr. Justice M.S. Rane (Retired) is appointed as Arbitrator. The disputes between the parties are referred to the learned Arbitrator for decision in accordance with law.

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